

August 24, 1956

NEW HAMPSHIRE LAW LIBRARY

SEP 22 1998

CONCORD, N.H.

Mr. Lester K. Billings, Director  
Bureau of Hospital Services  
State Department of Health  
17 Capitol Street  
Concord, New Hampshire

Dear Mr. Billings:

This is in response to your letter of August 23 in which you raise two questions concerning interpretation of the Hospital Licensing Law (RSA 151:1 and 2)

The first question deals with the extent to which section 2 applies to institutions rendering medical, nursing or other remedial care. Though it is not specifically stated in your letter we understand from a discussion of this matter with you yesterday morning that your current practice is to require licensing only when the institution in question is operated by a trained nurse. You inquire as to whether the application of the law should depend upon the qualifications, or lack of qualifications, of the person directing or rendering such treatment or care. We answer in the negative. Nothing in Chapter 151 indicates that the licensing requirement is restricted to homes operated by trained personnel. The primary consideration is whether medical, nursing or other remedial care is being rendered to two or more non-related persons suffering from illness, injury or deformity.

The second question in your letter requests an interpretation of "illness, injury or deformity" in those instances wherein medical diagnosis or orders for treatment are not available. You inquire as to whether "the manifest physical condition of the patient" may be used as evidence of illness, injury or deformity. The purpose of this question is not too clear but insofar as it

**C O P Y**

Lester K. Billings -- 2.

August 24, 1956

relates to the application of the licensure requirement to establishments where no medical, nursing or other remedial care is rendered, we advise that such establishments need not be licensed. The mere fact that persons suffering from illness, injury or deformity reside in an establishment does not impose the requiring of licensure unless facilities for diagnosis or treatment are maintained.

Very truly yours,

Elmer T. Bourque  
Assistant Attorney General

BIB:W

cc - Edwina V. Merrill  
Merrill Manor Nursing Home  
221 Glenwood Avenue  
Franklin, N. H.

Harry C. Merrill  
Holderness Nursing Home  
Holderness, N. H.